

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>BRENDAN J. BERGER,</b>	)	
	)	
<b>Plaintiff,</b>	)	
<b>v.</b>	)	<b>Case No. 1:19cv00099</b>
	)	
	)	<b>Magistrate Judge: Hon. Karen L. Litkovitz</b>
<b>NATIONAL BOARD OF</b>	)	
<b>MEDICAL EXAMINERS,</b>	)	
	)	
<b>Defendant.</b>	)	

**NOTICE OF APPEAL**

Notice is hereby given that defendant National Board of Medical Examiners (“NBME”) appeals under 28 U.S.C. § 1292(a)(1) to the United States Court of Appeals for the Sixth Circuit from the Order of this Court, entered on August 27, 2019 (Doc. No. 37), granting plaintiff Brendan J. Berger’s motion for a preliminary injunction (Doc. No. 1).

Dated: September 17, 2019

Respectfully submitted,

/s/ Robert A. Burgoyne

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Counsel for Defendant NBME

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on the 17th day of September 2019, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

/s/ Erin D. French